United Nations A/56/690–S/2001/1165

General Assembly
Security Council

Distr.: General
10 December 2001

Original: English

General Assembly
Fifty-sixth session
Agenda items 62 and 162

Question of Cyprus

Report of the International Law Commission on the work of its fifty-third session

Security Council
Fifty-sixth year

Letter dated 6 December 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 6 December 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda items 62 and 162, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

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Annex to the letter dated 6 December 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the statement made by the Greek Cypriot representative on 31 October 2001, at the Sixth Committee under the agenda item entitled "Report of the International Law Commission on the work of its fifty-third session". Since the Greek Cypriot delegate, purporting to represent the so-called "Government of the Republic of Cyprus", has, once again, exploited this forum, where the Turkish Cypriot side is denied its lawful representation, to make false accusations against the Turkish Cypriot side and Turkey, I am compelled to respond to these accusations in writing.

The Greek Cypriot representative, by distorting historical facts, is attempting to cover up the acts of terror and aggression committed by the Greek Cypriot administration against the Turkish Cypriot people between 1963 and 1974. The Turkish Cypriots as one of the two co-founder partners of the 1960 Republic of Cyprus were, in December 1963, subjected to armed aggression by the Greek Cypriots aspiring to achieve ENOSIS i.e. union of Cyprus with Greece. The ethnic cleansing campaign embarked upon by the Greek Cypriots during this period took a heavy toll on the Turkish Cypriots and forced those who could escape the carnage to abandon their homes and villages and to seek shelter in enclaves away from Greek Cypriot aggression. The division of the island both territorially and ethnically came about in 1963 as a direct consequence of the Greek Cypriot onslaught on the Turkish Cypriots. The Greek Cypriot leadership also disrupted the constitutional order, by illegally amending the basic articles of the 1960 Constitution which could not in any way be amended, whether by way of variation, addition or repeal, in the absence of Turkish Cypriot representatives.

On 20 July 1974, following the coup d'état carried out by the Junta in Greece in collaboration with its Greek Cypriot surrogates in Cyprus, which aimed at annexing the island to Greece and annihilating the Turkish Cypriot people, Turkey had no choice but to intervene, in accordance with her rights and obligations under the 1960 Treaty of Guarantee. Therefore, the Turkish military presence in Northern Cyprus, which is in accordance with the 1960 Treaty of Guarantee and enjoys the consent of the Turkish Republic of Northern Cyprus, is legitimate and a vital security requirement for the Turkish Cypriot people against the repetition of Greek Cypriot aggression.

With regard to the decision of the European Court of Human Rights both in the case of *Loizidou* and the fourth "state application" by the Greek Cypriot administration, I would like to reiterate our position, which was extensively expounded in President Rauf R. Denktaş's letter of 31 May 2001 (A/55/986-S/2001/575) and my letters of 27 August 2001 (A/55/1030-S/2001/824) and 22 October 2001 (A/56/504-S/2001/1006) all addressed to you. The Court has based its decisions on political considerations, wrongfully isolating the Turkish Republic of Northern Cyprus from the proceedings, and considering Turkey, which has no jurisdiction in Northern Cyprus, as the party to the proceedings. Naturally, this wrong premise has led to wrong conclusions.

The allegations by the Greek Cypriot representative based on attempts to draw parallels between the Iraqi invasion of Kuwait in 1990 and the situation in Cyprus is

a total distortion of historical facts. The only parallel between the two cases, is that the illegal invasion and annexation of Kuwait by Iraq was reversed by the United States-led international coalition, and the attempted invasion and annexation of Cyprus by Greece was thwarted by the timely intervention of Turkey. It should be recalled that, in his statement before the Security Council on 19 July 1974, the then Greek Cypriot leader Archbishop Makarios openly accused the Greek military regime of violating the independence of Cyprus and extending its dictatorship to the island, which amounted to an invasion from the effects of which both Greek Cypriots and Turkish Cypriots would suffer (official records of the Security Council, S/PV.1780).

Since the Greek Cypriot representative chose to refer to the responsibility of States, which was discussed in the Sixth Committee under agenda item 162, I will also take this opportunity to emphasize that the illegal acts of the Greek Cypriot leadership between 1963 and 1974, as well as the coup d'état staged by the Greek junta, undoubtedly constitute breaches of a number of international obligations, within the meaning of the terms of the relevant articles on State responsibility prepared by the International Law Commission, as contained in document A/56/589.

Needless to say, the Greek Cypriot insistence on making baseless allegations against the Turkish Republic of Northern Cyprus and Turkey, particularly at this sensitive stage, does not facilitate the efforts in the search for a settlement between the two States of Cyprus. Reconciliation in the island can be greatly facilitated if the Greek Cypriot side would accept the reality that it is not the "government" of the whole of Cyprus. We trust that you will urge the Greek Cypriot administration to stop exploiting international forums against the Turkish Republic of Northern Cyprus and Turkey since this will impede efforts towards facilitating a process of reconciliation in the island.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda items 62 and 162, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus